REMARKS

The Office Action and the cited and applied reference have been carefully reviewed. No claim is allowed. Claims 1-7 and 9-14 presently appear in this application (claims 4-7 being withdrawn) and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

The examiner states that claims 4-8 are withdrawn from further consideration. Applicants request rejoinder of process claims 4-7 pursuant to MPEP 821.04 if the elected product of claim 1 is found to be allowable.

The disclosure has been objected to because the peptides used are inconsistently described. Appropriate correction is made to the sequence listing, thereby obviating this objection.

Newly added dependent claims 12-14 are directed to molecules specific for SEQ ID NOs: 1, 2 and 3 as supported by the specification as originally filed.

Claims 1-3 and 9-11 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite because claims 1 and 9 fail to recite a reference sequence upon which the numbering of the residues is based. This rejection is obviated by the amendment to claims 1 and 9 to provide a reference sequence and

to further recite that the glucocorticoid receptor is human glucocorticoid receptor.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

The present specification discloses at page 25, paragraph [0042] that the phosphopeptides synthesized correspond to the residue positions of human glucocorticoid receptor (GR) of GenBank accession no. P04150. Computer printouts of GenBank accession no. P04150 and Swiss-Prot accession no. P04150 are attached hereto. It is clear from the first pages of the GenBank and Swiss-Prot entries that the sequence was never modified/revised since its entry or November 3, 1986. This human glucocorticoid receptor sequence from accession no. P04150 cited in the present specification does not represent new matter and is introduced into the sequence listing as new SEQ ID NO:4.

Applicants have added into the present specification a substitute paper copy Sequence Listing section according to 37 C.F.R. §1.821(c). Furthermore, attached hereto is a 3 1/2" disk containing the "Sequence Listing" in computer readable form in accordance with 37 C.F.R. §1.821(e).

The following statement is provided to meet the requirements of 37 C.F.R. §1.825(a) and 1.825(b).

I hereby state, in accordance with 37 C.F.R. §1.825(a), that the amendments included in the substitute sheets of the sequence

listing are believed to be supported in the application as filed and that the substitute sheets of the sequence listing are not believed to include new matter.

I hereby further state, in accordance with 37 C.F.R. §1.825(b), that the attached copy of the computer readable form is the same as the attached substitute paper copy of the sequence listing.

Under U.S. rules, each sequence must be classified in <213> as an "Artificial Sequence", a sequence of "Unknown" origin, or a sequence originating in a particular organism, identified by its scientific name.

Neither the rules nor the MPEP clarify the nature of the relationship which must exist between a listed sequence and an organism for that organism to be identified as the origin of the sequence under <213>.

Hence, counsel may choose to identify a listed sequence as associated with a particular organism even though that sequence does not occur in nature by itself in that organism (it may be, e.g., an epitopic fragment of a naturally occurring protein, or a cDNA of a naturally occurring mRNA, or even a substitution mutant of a naturally occurring sequence). Hence, the identification of an organism in <213> should not be construed as an admission that the sequence *per se* occurs in nature in said organism.

Similarly, designation of a sequence as "artificial" should not be construed as a representation that the sequence has no association with any organism. For example, a primer or probe may be designated as "artificial" even though it is necessarily complementary to some target sequence, which may occur in nature. Or an "artificial" sequence may be a substitution mutant of a natural sequence, or a chimera of two or more natural sequences, or a cDNA (i.e., intron-free sequence) corresponding to an intron-containing gene, or otherwise a fragment of a natural sequence.

The Examiner should be able to judge the relationship of the enumerated sequences to natural sequences by giving full consideration to the specification, the art cited therein, any further art cited in an IDS, and the results of his or her sequence search against a database containing known natural sequences.

Claims 1-3 and 9-11 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description and enablement requirements. Both rejections are obviated by reciting in claims 1 and 9 the reference sequence for the phosphorylated serine residues.

Reconsideration and withdrawal of the §112, first paragraph, rejections are therefore respectfully requested.

Claims 1-3 and 9-11 have been rejected under 35 U.S.C. §102(a) as being anticipated by Wang et al., *J. Biol. Chem.*, 277(29):26573-26580 (2002). This rejection is obviated by the *In Re Katz* type declaration under 37 CFR 1.132 attached hereto which states that while two of the three co-authors of the cited and applied Wang et al. reference are co-inventors of the presently claimed invention, the third co-author was not a co-inventor. Accordingly, the cited and applied Wang et al. is applicants' own publication and is therefore not available as prior art under §102(a).

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By _____
Allen C. Yun
Registration No. 37,971

ACY:pp
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\N\nyum\Garabedian2A\pto\amd OA 2-18-05.doc